

Minutes of the Board of Adjustment meeting held on Monday, June 11, 2012, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Roger Ishino, Chair
Travis Nay, Vice-Chair
Rosi Haidenthaller
Preston Olsen
Tom Halliday
Chad Wilkinson, Community Development Manager
Tim Tingey, Administrative & Development Services Director
G.L. Critchfield, Deputy City Attorney
Citizens

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Roger Ishino explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

APPROVAL OF MINUTES

Mr. Halliday made a motion to approve the minutes from May 14, 2012 as written. Mr. Nay seconded the motion.

A voice vote was made. The motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1451 – AT&T – 4991 South Commerce Drive – Project #12-64

Connie Misket was the applicant present to represent this request. Chad Wilkinson reviewed the location and request of A T & T for an expansion of antennas on an existing nonconforming communications monopole. The property is addressed 4991 South Commerce Drive and is located within the M-U zoning district. Murray City Code 17.52.040 allows for a structure, occupied by a nonconforming use, to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustments. The applicant indicated they will replace six 4 foot length antennas with six new 8 foot length antennas. The current Murray City code does not permit monopoles and antenna structures within the M-U zone, except with Board of Adjustment approval for an expansion of a nonconforming use. The original communications pole with antennas was approved by the Planning Commission on November 16, 1995. The criteria that need to be looked at with this case, is that the addition/enlargement must be in harmony and does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure. In this particular proposal the expansion goes down and does not increase the height. Public notice was sent to the adjoining property owners on May 25, 2012. As of the date of this report, no public comment has been received. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an

expansion of a nonconforming use. Therefore, staff recommends approval subject to the condition that the applicant shall obtain the necessary building permit prior to construction.

Connie Misket, 9847 South 500 West, is representing AT&T Wireless. Ms. Misket stated that they are replacing the antennas to provide 4G LTE service to the area. Mr. Ishino asked if that will increase capacity. Ms. Misket stated that it is only providing 4G LTE data capacity.

Mr. Ishino clarified that the height and footprint doesn't change. Ms. Misket responded in the affirmative, stating that it won't be higher, just wider.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Mr. Olsen made a motion to approve the expansion of antennas on an existing nonconforming communications monopole based on the finding presented by Staff, subject to the following condition:

1. The applicant shall obtain the necessary building permit prior to construction.

Ms. Haidenthaller seconded the motion.

Vote recorded by Mr. Wilkinson.

A _____ Mr. Halliday

A _____ Mr. Olsen

A _____ Mr. Ishino

A _____ Ms. Haidenthaller

A _____ Mr. Nay

Motion passed, 5-0.

Ms. Haidenthaller made the motion to approve the Findings of Fact as written by Staff.

Mr. Nay seconded the motion.

A voice vote was made. Motion passed, 5-0.

CASE #1452 – PAM SHUNK – 238 West 5th Avenue – Project #12-65

Pam Shunk was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Board of Adjustment approval for a detached accessory residential storage building. The property is located in the M-U (mixed use zone) at the property addressed 238 West 5th Avenue. There is an existing dwelling on the lot. The proposed storage building size is 10 ft. wide by 32 ft. length. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The applicant is proposing a detached storage building addition on the

existing legal non-conforming single family residential lot located in the M-U zoning district. A detached single family dwelling and accessory structures are currently not permitted in the M-U zone. The proposed garage is shown to be located 4 ft. from the side property line and 6 feet from the rear property line. The M-U zone does not have a minimum side yard setback provided the structure meets applicable building and fire codes related to fire resistive construction. Public notice was sent to adjoining property owners on May 25, 2012. As of the date of this report, no public comment had been received. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion of a nonconforming use. Therefore, staff recommends approval subject to the condition that the proposed addition shall meet all of the requirements of building and fire codes and shall obtain a building permit prior to construction.

Pam Shunk, 238 West 5th Avenue stated that she plans to use the accessory building for storage.

Ms. Haidenthaller asked what type of structure is on the west side of the lot line next to the proposed storage unit. Ms. Shunk responded that it is private residence with a garage and a home. Ms. Haidenthaller asked if she has talked to the neighbors about the proposed structure. Ms. Shunk responded in the affirmative and said that the neighbors were fine with the project.

Mr. Ishino asked if this is a permanent structure with a foundation. Ms. Shunk responded that the storage building will be on a concrete slab.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Ms. Haidenthaller made a motion to approve the expansion/alteration of a detached accessory residential storage building of nonconforming use based on the finding presented by Staff, subject to the following condition:

1. The proposed addition shall meet all of the requirements of building and fire codes and shall obtain a building permit prior to construction.

Mr. Halliday seconded the motion.

Vote recorded by Mr. Wilkinson.

A _____ Mr. Halliday

A _____ Mr. Olsen

A _____ Mr. Ishino

A _____ Ms. Haidenthaller

A _____ Mr. Nay

Motion passed, 5-0.

Mr. Nay made the motion to approve the Findings of Fact as written by Staff.

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Mr. Halliday seconded the motion.

A voice vote was made. Motion passed, 5-0.

OTHER BUSINESS

There was no other business to discuss.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development